

DECISION NOTICE
Red Hill Road-East Fork Access
Region 4 Headquarters
4600 Giant Springs Road,
Great Falls MT 59405
(406) 454-5840

DESCRIPTION OF PROPOSED ACTION

Montana Fish, Wildlife and Parks (MFWP) proposes to purchase a 40 acre parcel of grazing, agricultural and forest lands in the Big Snowy Mountains, approximately 20 miles south of Lewistown, MT from the Rocky Mountain Elk Foundation (RMEF). This parcel borders mainly private land, but contains a ~30 foot corner overlap (hereafter, public access point) of United States Forest Service (USFS; Lewis and Clark National Forest, Judith Ranger District) land. This purchase would increase public access in the Big Snowy Mountains, Fergus County, MT. Funding will be provided by MFWP's Access Public Lands (APL) program. If the property is acquired, a parking area, non-motorized trail and signage will be established that leads to this public access point onto USFS property, thereby minimizing private land trespass issues in the area. A wildlife-friendly border fence will also be constructed to mark the property boundaries and limit trespass by livestock.

MONTANA ENVIRONMENTAL POLICY ACT PUBLIC PROCESS AND COMMENT

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of its proposed actions to the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and make a decision based on this information. FWP released a draft environmental assessment (EA) for public review of this proposal (Red Hill Road Access) on September 13, 2013 and accepted public comment until 5:00 P. M. on October 13, 2013.

Notice of the proposal and availability of the Draft EA was published in the *Lewistown News Argus*, *Great Falls Tribune* and the *Billings Gazette*. Copies of the environmental assessment were distributed to neighboring landowners and interested individuals, groups, and agencies to ensure their knowledge of the proposed project. The EA was available for public review on FWP's web site (<http://fwp.mt.gov/>, "Recent Public Notices" and "Submit Public Comments") from September 13, 2013 through October 13, 2013. An FWP statewide news release was issued September 13, 2013 and posted on FWP's website (<http://fwp.mt.gov/>, "News Releases") the same day.

A public informational meeting was held in Lewistown, MT on September 26. Approximately 44 members of the public attended and were subsequently asked to render their opinion on the Proposal through established lines of comment. Those comments are further considered below.

SUMMARY OF PUBLIC COMMENT

FWP received 51 total comments (42 online, 5 during the public hearing, and 4 via mail). Of the 51 total comments, 49 were in support of the proposal, 2 did not specify (individuals simply left a suggestive comment or a question), and 0 opposed it.

RESPONSE TO PUBLIC COMMENT

Below are FWP responses to summarized comments addressing issues of mutual concern and interest. For ease of response, similar comments are grouped together if they express a similar view.

Comment: With changes in land ownership in the area, and a notable lack of access in the Snowies, this project will provide access to public lands for both hunting and also, non-hunting recreation. These are the kind of purchases FWP should be looking for. Please find more opportunities like this.

FWP Response: FWP is committed to finding and working on more access opportunities, whether via access programs to private lands or access to public lands. Access benefits not only hunting and helps FWP meet its management goals for wildlife, but also benefits the non-hunting recreating public.

Comment: I normally don't believe in government land purchases using tax-payers' dollars, but as long as FWP has the resources to maintain the property I am in support of this access opportunity. FWP needs to do their homework and make sure the access point is actually there.

FWP Response: Funding for this acquisition comes from FWP's "Access Public Lands" program, funded entirely by sportsmen (through the "Home to Hunt" license sales) and not through state or federal taxes. The property, including the "public access point" has been officially surveyed and the 29.27-foot overlap providing access to Lewis and Clark National Forest has been confirmed.

Comment: Please make sure the property is well-signed to prevent inadvertent trespassing on neighboring private lands.

FWP Response: The public access point and boundary of the property have been properly signed to prevent trespassing onto neighboring private lands. The trail leading up to the public access point has been bladed and signed and is easily discernible.

Comment: This new "non-motorized path" on state land will be designed to accommodate administrative ATV use. There may well be good reasons why ATVs are needed for administrative use, but it wasn't explained in the EA. More important, the EA doesn't explain how recreational ATV users will be prevented from trespassing onto the non-motorized trail, or how the trail restrictions will be enforced. There are plenty of examples on national forest lands where trail restrictions have been or are being ignored by ATV users. Is some type of restrictive barrier being considered to prevent or at least make more difficult, ATV access onto the non-motorized areas??

FWP Response: Administrative ATV use will cover activities such as fence construction of the boundary fence (e.g., using a post-pounder), fence-maintenance, weed-spraying, and other needs. The property will be signed for "non-motorized use," and via game warden and Forest Service ranger patrolling, and public reporting, we anticipate most violations to be reported enforced. A restrictive barrier at the parking area to prevent vehicular use is being considered.

Comment: In the draft EA, the National Forest (NF) lands are inaccurately described as inaccessible. True, the NF lands adjacent to the proposed acquisition currently have difficult access because of distance, terrain, vegetation, etc. However, those features that make access difficult are highly valued by some members of the public for the opportunity for solitude. It should be acknowledged in the EA that the proposed acquisition would decrease the level of difficulty in accessing the NF lands. Therefore, the level of public use of those lands would likely increase. For the recreationists that enjoy maximum opportunity for solitude, those opportunities would likely decrease.

FWP Response: The draft environmental assessment will be amended to illustrate that access is “improved” to Lewis and Clark National Forest with this acquisition. While it is expected that during the relative novelty of this property it will receive a fair amount of use, the extent of the area this acquisition provides access to will still allow privacy for those who seek solitude. Increased access to National Forest lands via this parcel may also better disperse recreationists and hunters using other areas of the forest, reducing crowding in other areas.

Comment: Increased public use of this area would increase the rate of what few elk there are moving to higher-quality adjacent private land.

FWP Response: Elk on and around this property are common but not present in high densities. Also, given that this property improves access to nearly 18,000 acres of public land, it provides a relatively large amount of room for hunters to disperse. Neighboring private lands are currently outfitted and see hunting pressure, which should also balance out the hunting activity provided by this access point.

Comment: In regard to impact, the inclusion of “East Fork Access” to the title of the EA might be problematic. There are no established pack trails leading into the East Fork drainage from the proposed access site. I am concerned about members of the public who may be misled, and either end up lost and hurt, or cause resource damage by blazing trees. While I favor FWP's acquisition of this parcel, I strongly urge FWP to caution the public on the limitations involved in this particular access, as to educate the public in regard to the rules, regulations and respect to the land use status of the Forest Service.

FWP Response: Ultimately it is the responsibility of the public to be prepared while recreating in the outdoors. The Forest Service may work with private groups or other organizations to construct a trail leading into the East Fork in the future; however plans are not in place at this time. FWP has signed the property with “primitive camping area” signs and a listing of WMA rules, and the public land beyond will be subject to the same National Forest rules as other public access areas in the Snowies.

Comment: I hope plans include a nice trail connecting the old East Fork of Big Spring Creek trail. After this trail is restored it will be an amazing addition to Central Montana recreation. It would be great to have future plans of a new trail system in this area, Dry Canyon etc. and connect all these trails so great loops can be made connecting Half moon, the Uhlhorn trail all the way to Crystal Lake as well as Cottonwood Creek trail.

FWP Response: Lewis and Clark National Forest may work with private citizens and organizations to further develop a trail system in the future as time and funding allows. Such consideration is beyond the scope of this Assessment.

Comment: I am a land owner on Red Hill Rd, and I have concerns pertaining to high-powered rifles, open fires, and people parking in my driveway. I would like a safety zone placed along Red Hill Rd, and fire restrictions, and I do not want to see people parking or trespassing on my driveway.

FWP Response: The Red Hill Access Area will be subject to Wildlife Management Area (WMA) rules, which

cover issues such as camping, target shooting, and fire restrictions. Visitors arriving to use the Red Hill Access Area are directed by signs to park within the property or along the west side of the road. Any land owner concerned about the possibility of a gate being blocked or a driveway accessed can sign their property and notify law enforcement if these postings are violated. A parking area has been constructed on the interior of the property with enough room to permit multiple vehicles, including vehicles with horse trailers. An area along the property periphery and Red Hill Road has been sufficiently widened to allow for parking space during periods of snow accumulation. It is likely that winter activity will be limited to intermittent snow-shoeing and/or cross-country skiing, therefore an abundance of vehicles will not be likely when the area is snowed in and parking is limited.

Comment: One potential issue not addressed in the EA is how the new access point might affect elk security over the long run and what actions would be taken if management objectives are not being met?

FWP Response: Part of this area is characterized by rough topography and there are no roads in this immediate area of National Forest. Therefore elk security issues caused by increased public access will be minimal. Elk in the Snowy Management Unit are currently above objective and will remain so until further access opportunities (particularly on lower-elevation private lands) are realized.

Comment: I would like to see no fishing in the East Fork bowl - those native fish have survived because access is so limited.

FWP Response: FWP does not foresee any negative impacts to native fish populations with this access area. However, if issues and concerns arise relative to the East Fork fishery, they will be addressed by Fisheries Management staff.

Comment: Will FWP be monitoring the amount of vehicles in the parking area? I don't want the land to be over-hunted. Consider a check-in box perhaps? And please, no outhouse!

FWP Response: While activity at the opening of this access area may be relatively busy, the area will likely receive use similar to other areas of access into the Big Snowy Mountains (e.g., Lost Peak Trail, Uhlhorn Trail/Halfmoon Pass, etc.). The Forest Service does not currently monitor vehicle numbers or recreational use in these areas. Plans for an outhouse are not currently considered or addressed in the EA.

Comment: Constructing a campground would be nice, as well as a trailhead with room to turn around horse trailers.

FWP Response: Plans for a campground are not currently in the works, but primitive camping using a Pack It In-Pack It Out approach is allowed on the property and addressed in WMA rules, which will also govern the use of this access area. A parking area has been identified and signed that provides sufficient area for several vehicles, campers, and/or horse trailers.

DECISION NOTICE

Utilizing the draft EA and public comment, a decision must be rendered by FWP which addresses any additional concerns and issues identified for this proposed action. FWP's analysis supports acquiring the 40-acre parcel from the RMEF to deliver additional access to public land in the Big Snowy Mountains and the Lewis and Clark National Forest as proposed.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

After review of this proposal, it is my decision to accept the draft EA as supplemented/modified by this Decision Notice and the response to public comment contained herein. In combination, these documents constitute the Final EA. I recommend acquisition of the parcel as a point of public access to public land known as the Red Hill Road Access.

This Decision Notice may be viewed on FWP's Internet website: <http://www.fwp.mt.gov> or be obtained upon request from Montana Fish Wildlife and Parks, Region 4 Headquarters, 4600 Giant Springs Road, Great Falls, MT 59405 at (406) 454-5840.

October 28, 2013

A handwritten signature in cursive script, appearing to read "Gary Bertellotti".

Gary Bertellotti
R4 Regional Supervisor